

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

In re)	
)	Chapter 9
)	
CITY OF DETROIT, MICHIGAN)	Case No. 13-53846
)	
)	
Debtor.)	Hon. Steven W. Rhodes
)	

**COMMITTEE’S *EX PARTE* MOTION FOR LEAVE TO FILE A SUPPLEMENTAL
BRIEF TO THE ISSUES RAISED AT THE FEBRUARY 19, 2014 HEARING ON THE
MOTION OF DEBTOR FOR ENTRY OF AN ORDER VACATING THE
APPOINTMENT OF OFFICIAL COMMITTEE OF UNSECURED CREDITORS**

The Official Committee of Unsecured Creditors (the “**Committee**”) of the City of Detroit, Michigan (the “**City**”) seeks leave of the Court to file a response to the issues raised at the hearing held on February 19, 2014 (the “**Hearing**”) and to the arguments advanced for the first time in the 29-page *Reply in Support of Motion of Debtor For Entry of an Order Vacating the Appointment of Official Committee of Unsecured Creditors* (the “**Reply**”).

On February 18, 2014, the City, in violation of Local Bankruptcy Rule 9014-1, filed its untimely Reply. The Court relied on the Reply at the Hearing and raised issues that had not previously been addressed in either the City’s *Motion of Debtor for Entry of an Order Vacating the Appointment of Official Committee of Unsecured Creditors* [Docket No. 2626] or the Committee’s *Objection to Motion of Debtor For Entry of an Order Vacating the Appointment of Official Committee of Unsecured Creditors* [Docket No. 2687].

Local Bankruptcy Rule 9014-1 states that “[a] reply brief of not more than 5 pages in length may be filed and served not less than 3 Business Days before the hearing on the motion.” L.B.R. 9014-1. Not only was the City’s brief over the page limit, and filed late, it raised issues

that had not been previously argued in its papers or the objection. The Committee understands that given the date of the Hearing the City did not have time to properly file a reply within the rules. The time constraints, however, do not excuse the filing of a 29-page brief that raises new arguments.

The Committee does not seek to strike the Reply from the record but instead seeks leave of the Court to address the issues raised for the first time in the Reply and at the Hearing. It is plainly within the Court's discretion to allow the Committee to file a supplemental brief to fully address the arguments raised. *See Khalil v. Transunion, LLC*, CIV. 08-10303, 2009 WL 804165 at *1 (E.D. Mich. Mar. 25, 2009) (“[I]n order to permit the parties to fully present their arguments, the Court will, in its discretion, permit the submission of the plaintiff's supplemental brief”). Attached hereto as Exhibit 2, is the Committee's proposed supplemental brief, which the Committee seeks to file with the Court's permission.

The Committee respectfully requests that the Court exercise its discretion and afford the Committee the appropriate due process on the important, and perhaps precedential, matters raised in the City's motion and at the Hearing.

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CONCLUSION

WHEREFORE, the Committee respectfully requests that the Court enter an order, substantially in the form attached hereto as Exhibit 1, granting the Committee's motion for leave to file its supplemental brief.

Dated: February 28, 2014
New York, New York

/s/ Brett H. Miller

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